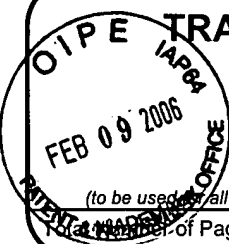
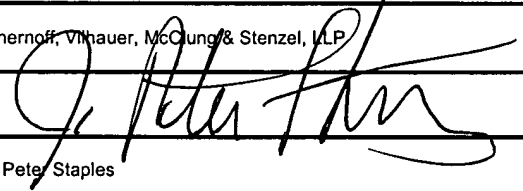
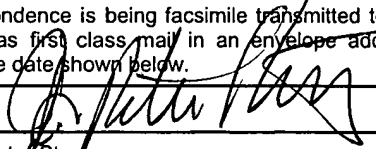


3723

 <p>TRANSMITTAL FORM</p> <p>(to be used for all correspondence after initial filing)</p>	Application Number	10/066,087	
	Filing Date	Jan. 30, 2002	
	First Named Inventor	Benjamin C. Rivera	
	Art Unit	3723	
	Examiner Name	Hadi Shakeri	
Total Number of Pages in This Submission	8	Attorney Docket Number	0756.0712

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Applicant's Interview Summary return postcard
Remarks the Commissioner is authorized to charge any additional fees required to deposit account No. 03-1550.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Chernoff, Vitthauer, McCune & Stenzel, LLP		
Signature			
Printed Name	J. Peter Staples		
Date	February 7, 2006	Reg. No.	30,690

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	J. Peter Staples	Date	February 7, 2006

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS**

Appl. No. : 10/066,087
Applicant : Benjamin C. Rivera
Filed : January 30, 2002
TC/A.U. : 3723
Examiner : Hadi Shakeri
Title : TOOL FRAME MEMBER
INCLUDING SPRING
Docket No. : JPS:0756:0712
Customer No. : 00152



Confirmation No. 2441

APPLICANT'S INTERVIEW SUMMARY

1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204

February 7, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On January 10, 2005, applicant's undersigned representative participated in a telephone interview with Examiner Hadi Shakeri regarding patent application Serial No. 10/066,087.

The subjects discussed were:

- (a). the Examiner's objections to the drawings as set forth in the Office Action mailed December 19, 2005;
- (b). the definition of the term "integral" as it pertains to the § 112 rejection of claims 78-87; and

(c). proposed revisions to claims 78, 81 and 85.

With regard to (a), applicant pointed out that the independent springs were shown as items 62 in FIG. 3 and described on pages 8 and 9 of the specification. Applicant understood Examiner Shakeri to say that he would withdraw his objection to the drawings.

With regard to (b), claims 78-87 were rejected under § 112 as indefinite. In the Office Action, the Examiner applied a "broad definition" to "integral" to mean "formed as a unit with another part." Applicant identified multiple portions of the specification that show that "integral" in the context of this application means "all of one piece" or "of one piece of material." Applicant understood the Examiner to acknowledge that the specification made the term integral definite, thereby overcoming at least a portion of the § 112 indefiniteness rejection and distinguishing claim 78 over Taggart, et. al., U.S. Patent No. 6,341,423.

With regard to (c), applicant understood the Examiner to say that claim 78 as proposed was not allowable because it claimed a "method of forming."

Proposed revisions to claims 81 and 85 were also discussed with the principal point of discussion being whether the limitation "substantially" in claim 82 should be replaced with "wholly," or modified to "substantially wholly."

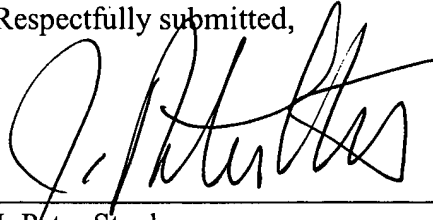
The primary prior art discussed was Taggart, et. al., U.S. Patent No. 6,341,423; Kershaw, U.S. Patent No. 6,412,130 was discussed briefly with respect to the "cuts" referred to in claims 81 and 85. The principal proposed amendments and the general thrust of the principal arguments have been discussed above, or are set forth in the enclosed communication to the Examiner.

Appl. No. 10/066,087
Applicant's Interim Summary

No agreement was reached. Applicant emailed further revisions to claim 78 intended to address the Examiner's "method of forming" objection, but these revisions were not considered.

Dated this 7 day of February 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Peter Staples", written over a horizontal line.

J. Peter Staples

Registration No. 30,690

Tel No.: (503) 227-5631



J. Peter Staples

From: J. Peter Staples
Sent: Thursday, January 05, 2006 5:08 PM
To: 'hadi.shakeri@uspto.gov'
Subject: FW: Pat. Appl. Serial No. 10/066,087 TOOL FRAME MEMBER INCLUDING SPRING

From: J. Peter Staples
Sent: Thursday, January 05, 2006 4:38 PM
To: 'hadishakeri@uspto.gov'
Subject: Pat. Appl. Serial No. 10/066,087 TOOL FRAME MEMBER INCLUDING SPRING

Dear Examiner Shakeri:

Thank you for agreeing to an interview. I understand that it is scheduled for Tuesday, January 10, at 12:00 p.m., EST. In the interview the applicant would like to discuss the definition of "integral" and the §112 rejection of claims 78-87. Applicant will also seek clarification of the requirement to amend the drawings with regard to the independent spring.

Applicant contends that the specification as filed supports the narrow definition of integral as all of one piece, or as one piece of material, and differentiates the integral frame member from a separate non-integral scale. To assist the Examiner to evaluate applicant's definition, applicant refers to the following portion of the original specification as filed:

In the Written Description:

Page 1, lines 6-7	(frame member/integral leaf spring)
Page 1, lines 18-33	(differentiating independent springs from leaf springs integral with frame, typically cut from portion of frame member.)
Page 2, Lines 2-4	(plate integral with flanges)
Page 3, Lines 24-26	(leaf spring integral with flange)
Page 3, Line 34 – Page 4, Line 2	(describing the side scales as "attached.")
Page 4, Line 35 – Page 5, Line 1	(internal flange integral with and co-joins opposed plates)
Page 7, Lines 3-12	(scales are added to embodiments of frame shown in Figs. 16-19)
Page 7, Lines 24-27	(frame member has integral external and internal flanges)
Page 7, Lines 28-30	(all portion of frame member 70a (Figs. 20-26) are integral with each other)
Page 9, Lines 28-29	(the "addition of side scales....")
Page 10, Lines 5-6	("addition" of side scales to frame member 70b (Figs. 20-25))
Page 10, Lines 17-19	(partial internal flange integrally joins side plates)
Page 10, Lines 28-34	"In the preferred embodiments shown herein the frame
Page 11, Lines 1-4	

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Attachment, page 1 of 3
 Applicant's Interview Summary
 Mailed February 7, 2006
 U.S. Patent Appl. Ser. No. 10/066,087

members....are constructed from a single sheet of sheet metal bent to form plates and flanges and cut to create the leaf springs.”

In the Drawings:

In all drawings the frame member, including plates, flanges and leaf springs, are shown as constructed from a single piece of material. Side scales shown in Fig. 2 are attached to integral frame member of Fig. 1. Side scales of Fig. 3 are attached to frame member shown in Figs. 16-19.

In the Original Claims:

Describes frame member as integral. When non-integral parts are included in claim, the invention is described as subassembly.

Proposed Claim 78, consistent with specification as filed:

Claim 78 (new). A handle for a folding tool comprising:

1. an integral frame member constructed from a single sheet of material, said frame member defining a single integral channel having first and second opposed sidewalls and a channel floor integrally joining said sidewalls, said channel defining an internal tool pocket within said channel, said frame member having an integral first external flange extending outwardly from said first sidewall in a first direction away from said channel, said first external flange including an integral leaf spring; and

2. a first side scale, not ~~integral~~ integrally constructed from said same sheet of material as ~~with~~ said frame member, said side scale arranged adjacent to said flange so as to form a first external tool pocket defined by said first sidewall, said first external flange and said first side scale.

Proposed Claim 81:

Claim 81 (new). The handle of claim 78 wherein said leaf spring is ~~created~~ defined by a single cut in the material from which the integral handle member is formed.

Proposed Claim 85:

Claim 85 (new). The handle of claim 79 wherein said leaf spring of said second external flange is ~~created~~ defined by a single cut in said second sidewall proximate said second external flange.

Regarding the drawings, independent springs are shown as items 62 in Fig. 3 and described at:

Page 8, Lines 1-5;
Page 8, Lines 22-27; and
Page 8, Line 32 – Page 9, Line 18.

I look forward to our interview on Tuesday, January 10, at 12:00 p.m., EST.

Respectfully,

1/5/2006

J. Peter Staples
Attorney for Applicant

1/5/2006

Attachment, page 3 of 3
Applicant's Interview Summary
Mailed February 7, 2006
U.S. Patent Appl. Ser. No. 10/066,087